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Notice of Allowability	Application No.	Applicant(s)	
	10/646,769	NAKABAYASHI, SUMIE	
	Examiner Phuong Phu	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the Amendment filed on 3/5/07.
2. The allowed claim(s) is/are 2-10 and 12.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 3/5/07. Accordingly, claims 2-10 and 12 are currently pending; and claims 1, 11 and 13-18 are canceled.

REASONS FOR ALLOWANCE

2. Claims 2-10 and 12 are allowed.

3. The following is an examiner's statement of reasons for allowance:

-Regarding to independent claim 2, none of prior art of record teaches or suggests a QOS control system as claimed. Walton et al (7,020,110), previously cited, teaches the claimed QOS control system except that Walton et al QOS control system lacks of a first operation mode for outputting transmission data in an order of input and a second operation mode for outputting the transmission data in the order of taking QOS into consideration, said first and second operation modes being switchable to each other in accordance with the information transmission conditions in a radio path, as claimed. It would not have been obvious for one skilled in the art to implement Walton et al with such a first and second operation mode for leading the implementation to the claimed invention.

-Regarding to independent claim 10, none of prior art of record teaches or suggests a QOS control system as claimed. Walton et al teaches the claimed QOS control system except that Walton et al QOS control system lacks of a classification table showing correspondence between a class and a specific QOS control mode of a plurality of QOS control modes wherein said classification defines a class of each transmission data corresponding to a value of specific header information contained in the transmission data; and as such, Walton et al QOS control system does not determine the class of the transmission data in said QOS control mode with

reference to said classification, as claimed. It would not have been obvious for one skilled in the art to implement Walton et al with such a classification table and such a determining procedure for leading the implementation to the claimed invention.

-Regarding to independent claim 12, none of prior art of record teaches or suggests a QOS control method as claimed. Walton et al teaches the claimed QOS control method except that Walton et al QOS control method lacks of procedures of determining a class of each transmission data; setting the transmission data in a class-wise queue corresponding to a determined class, and reading the transmission data from said class-wise queue in accordance with a class-wise band assignment table with a guaranteed band set for each class, as claimed. It would not have been obvious for one skilled in the art to additionally implement Walton et al with such a class-wise band assignment table and such procedures for leading the implementation to the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Phu whose telephone number is 571-272-3009. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phuong Phu
Primary Examiner
Art Unit 2611

Phuong Phu
Phuong Phu
03/29/07

PHUONG PHU
PRIMARY EXAMINER